

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

SUBHASH PATEL and RICHARD SUN,
Individually and On Behalf of All Others
Similarly Situated,

Plaintiffs,

v.

KONINKLIJKE PHILIPS N.V. and
FRANS VAN HOUTEN,

Defendants.

Case No. 1:21-cv-04606-ERK-MMH

**STIPULATION AND [PROPOSED] ORDER REGARDING
CLASS CERTIFICATION-RELATED CASE SCHEDULE AND WORD LIMITS**

This stipulation is entered into by and between Plaintiffs and Defendants.

WHEREAS, on December 5, 2024, the Court approved the parties' Proposed Discovery Plan and Scheduling Order (ECF No. 64), which, among other things, sets forth deadlines in connection with Plaintiffs' Motion for Class Certification ("Motion");

WHEREAS, on February 28, 2025, Plaintiffs served their Motion and an accompanying expert report of Dr. Zachary Nye;

WHEREAS, on April 8, 2025, Defendants deposed Dr. Nye, and on April 29, 2025, served their opposition to the Motion and associated expert reports;

WHEREAS, on May 28, 2025, the Court approved the parties' Stipulation and [Proposed] Order Regarding Case Schedule, Word Limits, and Sur-Reply (ECF No. 78), which, among other things, (i) extended the deadline for Plaintiffs to serve a reply brief in support of class certification, and (ii) provided Defendants with the ability to submit a sur-reply brief in opposition to class certification;

WHEREAS, on July 15, 2025, Plaintiffs served their reply papers, which included a 73-page reply expert report from Dr. Nye in support of class certification;

WHEREAS, the parties disagree on whether a reply expert report is permitted under the Court's prior Orders;

WHEREAS, the parties conferred to attempt to resolve their dispute to avoid Defendants filing a motion to strike Dr. Nye's reply expert report; and

WHEREAS, to avoid motion practice, and subject to the Court's approval, the parties have agreed to the time and word limit extensions and expert discovery procedures specified below.

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between Plaintiffs and Defendants, that (1) the deadline for Defendants' sur-reply in opposition to Plaintiffs' Motion shall be September 12, 2025, and the accompanying memorandum of law shall not exceed 3,250 words; (2) Defendants may serve expert reports responding to Dr. Nye's reply expert report on the same date; (3) Defendants may re-depose Dr. Nye for three hours on the record; (4) if the parties file *Daubert* motions directed at Dr. Nye's reply expert report or any expert reports Defendants may serve in response to that report, the parties shall do so on the following schedule:

<i>Daubert</i> Briefing Schedule	
Defendants' <i>Daubert</i> motion	September 12, 2025
Plaintiffs' opposition	October 13, 2025
Plaintiffs' <i>Daubert</i> motion	October 13, 2025
Defendants' opposition	November 13, 2025

AGREED TO AND STIPULATED TO BY:

Dated: July 24, 2025

Respectfully submitted,

POMERANTZ LLP

/s/ Emma Gilmore

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*Counsel for Koninklijke Philips N.V. and
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SO ORDERED:

Dated: Brooklyn, New York
_____, 2025

Marcia M. Henry
United States Magistrate Judge